

Amendment No. 1 to SB0230

Beavers
Signature of Sponsor

AMEND Senate Bill No. 230

House Bill No. 252*

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

By deleting subsection (a)(1) of § 39-13-523 of the amendatory language of SECTION 1 and substituting instead the following:

(1)

(A) "Child sexual predator" means a person who:

(i) Is convicted in this state of committing an offense on or after July 1, 2007 that is classified in subdivision (D) as a predatory offense; and :

(ii) Has one (1) or more prior convictions for an offense classified in subdivision (D) as a predatory offense.

(B) "Prior convictions" mean, for purposes of this subdivision (1), that the person serves and is released or discharged from a separate period of incarceration or supervision for the commission of a predatory offense classified in subdivision (D) prior to committing another predatory offense classified in subdivision (D). "Prior convictions" include convictions under the laws of any other state, government or country which, if committed in this state, would constitute a predatory offense as classified in subdivision (D). If a felony from a jurisdiction other than Tennessee is not a named predatory offense as classified in subdivision (D) in this state, it shall be considered a prior conviction if the elements of the felony are the same as the elements for an offense classified as a predatory offense,.

(C) "Separate period of incarceration or supervision" includes a sentence to any of the sentencing alternatives set out in § 40-35-104 (c)(3)—(9). Any offense designated as a predatory offense pursuant to

subdivision (D) shall be considered as having been committed after a separate period of incarceration if the predatory offense was committed while the person was:

- (i) On probation, parole or community correction supervision for a predatory offense;
- (ii) Incarcerated for a predatory offense;
- (iii) Assigned to a program whereby the person enjoys the privilege of supervised release into the community, including, but not limited to, work release, educational release, restitution release or medical furlough for a predatory offense; or
- (iv) On escape status from any correctional institution when incarcerated for a predatory offense.

(D) For purposes of this section, predatory offenses are:

- (i) Aggravated sexual battery under § 39-13-504(a)(4);
- (ii) Statutory rape by an authority figure under § 39-13-532;
- (iii) Sexual battery by an authority figure under § 39-13-527;
- (iv) Solicitation of minor to commit sex offense under § 39-13-528;
- (v) Solicitation of minor to perform sex acts under § 39-13-529; and
- (vi) Aggravated statutory rape under § 39-13-506(c);